

EXHIBIT A

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - X
NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, SPRING VALLEY BRANCH, et al.
Plaintiff,
v. 17 Civ. 8943
EAST RAMAPO CENTRAL SCHOOL DISTRICT, et al.
Defendants.
- - - - - X

DEPOSITION OF ARON WIEDER
New York, New York
Wednesday, October 10, 2018

Reported by:
LEONORA L. WALKER
JOB NO. 149147

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1 A. WIEDER
2 THE VIDEOGRAPHER: The time is 10:49.
3 We're back on record. 10:49
4 MR. MANGAS: And Before we get started,
5 I'll note for the record we had someone enter
6 the room just before the last break. 10:49
7 Go ahead and identify yourself.
8 MR. BUTLER: David Butler.
9 MR. MANGAS: Do you present one of the 10:50
10 parties, Mr. Butler?
11 MR. BUTLER: Yes, the defendant.
12 (Whereupon Exhibits 1 and 2 were marked 10:50
13 for identification.)
14 BY MR. MANGAS:
15 Q Mr. Wieder, I'm going to hand you a 10:50
16 couple of documents marked Exhibit 1 and Exhibit 2, and
17 I'll give you just a moment to look over those.
18 A You want me to review the entire 10:50
19 document?
20 Q You don't need to read it in detail, if
21 you can just flip through it. I'm just going to ask if 10:50
22 you recognize the documents.
23 A Okay.
24 Q Do you recognize those two documents, 10:51
25 Exhibits 1 and 2, Mr. Wieder?

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1 A. WIEDER
2 A Yes. It looks familiar.
3 Q Those are subpoenas for documents that 10:51
4 you received in this case, correct?
5 A Yes.
6 Q Let's focus specifically -- 10:51
7 A You mean copies of documents?
8 Q Correct, copies of document.
9 A These are not the actual documents that 10:51
10 I received, right?
11 Q Let me ask the question again.
12 These appear to be copies of the 10:51
13 documents requested from this case?
14 A Yes.
15 Q Let's focus on Exhibit 2. 10:51
16 Have you read this document before?
17 A If I read the entire document? Word for
18 word now? Or you mean before now, just now? 10:52
19 Q You received this document marked as
20 Exhibit 2 in the past, correct?
21 A Yes. 10:52
22 Q How did you receive this document?
23 A Copies of it, yeah.
24 Q I'm sorry. How did you receive it? 10:52
25 A Wait a second. If I remember correctly

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1 A. WIEDER
2 -- because you got to forgive me. I have gotten many
3 subpoenas over the years related about East Ramapo for 10:52
4 the most part, and I think these are the documents that
5 my attorney got on my behalf, if I remember correctly.
6 MR. CRAVENS: I would just caution the 10:52
7 witness, you can certainly indicate if you
8 received the document from your attorney. Do
9 not reveal any communications -- content of any 10:53
10 communications you had with your attorneys.
11 THE WITNESS: Okay. So I think that my
12 attorney received it on my behalf, yeah. 10:53
13 BY MR. MANGAS:
14 Q And then you received it from your
15 attorney? 10:53
16 A I think so, yeah.
17 Q Did you read when you received Exhibit 2
18 from your attorney, did you read it? 10:53
19 A If I read the entire thing?
20 Q Yes. Did you read the document?
21 A I glanced through it, yes. 10:53
22 Q And did you understand that you are
23 required to produce documents requested in the subpoena
24 marked as Exhibit 2? 10:53
25 MR. CRAVENS: Objection to form.

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1 A. WIEDER
2 A Yes.
3 Q Did you conduct a search for such 10:53
4 documents?
5 A Yes.
6 Q What did you do? What steps did you 10:53
7 take?
8 A I logged into my e-mail account and I
9 physically went through the e-mails for a particular 10:54
10 period of time that the subpoena covered that my
11 attorney told me. And I went through every single
12 e-mail, and an e-mail that I understood that to be part 10:54
13 of the subpoena, I forwarded to my attorney.
14 Q Do you recall what time period you
15 looked for? 10:54
16 A The exact dates?
17 Q It's not a memory a test if you don't
18 recall, but if you could tell me generally. 10:54
19 A I don't -- I believe this happened like
20 a half a year ago or more so when I got the subpoena.
21 MR. CRAVENS: If you don't recall, don't 10:54
22 speculate.
23 THE WITNESS: I don't recall, but it
24 wasn't fairly recent. I think that I had 10:55
25 conversations with my attorney.

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1 A. WIEDER
 2 MR. CRAVENS: Again, don't reveal the
 3 contents of any discussions that you had with 10:55
 4 your counsel.
 5 THE WITNESS: And it's the time period
 6 that my attorney explained to me is when I 10:55
 7 physically went through the e-mails, for that
 8 time period, every single e-mail and any e-mail
 9 that I believed is under the subpoena, I 10:55
 10 forwarded. I think I forwarded almost all my
 11 e-mails from that time period.
 12 BY MR. MANGAS: 10:55
 13 Q Other than your e-mail account, did you
 14 search anywhere else?
 15 A No. 10:55
 16 Q What's the e-mail address on the account
 17 that you searched?
 18 A ABA845@yahoo.com, I believe. 10:55
 19 Q Do you use any other e-mail accounts?
 20 A Currently?
 21 Q Let me re-ask that. 10:56
 22 Did you use any other e-mail accounts
 23 during the time period specified in the subpoena?
 24 A I don't believe so. 10:56
 25 Q Do you use any other e-mail accounts

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1 A. WIEDER
 2 currently?
 3 A Do -- is that like a personal question? 10:56
 4 MR. CRAVENS: Are you asking whether --
 5 if you're asking him whether there are other
 6 e-mail accounts that might have responsive 10:56
 7 documents --
 8 MR. MANGAS: I'm asking the question, if
 9 he doesn't understand something he can ask me. 10:56
 10 THE WITNESS: Is it a personal question?
 11 Does it have anything to do with the case or
 12 the lawsuit? 10:56
 13 BY MR. MANGAS:
 14 Q I'm asking you some questions about
 15 discovery in this case. And I'm asking you whether you 10:56
 16 use any other e-mail accounts besides the one that you
 17 just described to me?
 18 MR. CRAVENS: Objection to the form. 10:56
 19 A E-mails -- back then it was the only
 20 e-mail that I used.
 21 Q Well, the subpoena -- 10:57
 22 A From what the subpoena covered and from
 23 my understanding of what my attorney told me.
 24 Q And I'm asking whether you use any other 10:57
 25 e-mail accounts currently?

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1 A. WIEDER
 2 A Yes.
 3 Q And what accounts are those? 10:57
 4 A Does it have anything to do with the
 5 case?
 6 Q I'm asking the question. We have you 10:57
 7 here under subpoena. You can answer the question
 8 unless it's privileged and your lawyer instructs you
 9 not to. I believe there's a protective order under the 10:57
 10 case and you will have a chance to review the
 11 transcript if there's something you feel is
 12 confidential or private and you want to try to 10:57
 13 designate that under the protective order you'll have
 14 that opportunity after the deposition.
 15 A It's more like it's a personal question. 10:57
 16 Again, I'm not an attorney. I wouldn't understand
 17 specifics, but I think it's more like a personal
 18 question what I currently have. 10:58
 19 Q If you would like go off the record and
 20 have a conversation with your attorney.
 21 MR. CRAVENS: He indicated that the only 10:58
 22 e-mail account that had potentially responsive
 23 documents is the one that he searched. I'm
 24 struggling to find the relevance -- 10:58
 25 THE WITNESS: At that time --

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1 A. WIEDER
 2 MR. CRAVENS: -- of any current e-mail
 3 address. 10:58
 4 THE WITNESS: -- I believe at that time
 5 I believe that was the only e-mail address I
 6 had. 10:58
 7 BY MR. MANGAS:
 8 Q The subpoena continues through the
 9 present. So it's a relevant question. 10:58
 10 I'm asking do you have any other e-mail
 11 accounts that you currently use?
 12 MR. CRAVENS: You can answer the 10:58
 13 question.
 14 A Yes.
 15 Q And what accounts are those? 10:58
 16 MR. CRAVENS: It's up to you whether you
 17 want to provide that information.
 18 THE WITNESS: Do I have to? 10:58
 19 BY MR. MANGAS:
 20 Q I don't want to make you uncomfortable
 21 or put you on the spot. I'm not asking you to identify 10:59
 22 -- you don't need to give the particular address. I'm
 23 just asking about other e-mail accounts that you may
 24 have. 10:59
 25 A I have other e-mail accounts. I have an

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1 A. WIEDER
2 account for the county legislature. I have an account
3 in my current employment. I believe they -- it might 10:59
4 have been another account when I started and it's a
5 different account. And I have currently now another
6 personal account, you know, but it's all recent. 10:59
7 Q So let me make sure I understood that.
8 You have an e-mail account in your role as county
9 legislator. And I believe you said you have another 10:59
10 e-mail account from your employer. And is that NYSHA,
11 Inc.?
12 A Yes. 10:59
13 Q And then you have another personal
14 e-mail account?
15 A Yes. 10:59
16 Q Who is the provider of the personal
17 e-mail account?
18 A Gmail. 10:59
19 Q Do you use -- have you used any of those
20 three accounts to communicate about the issues of East
21 Ramapo public school district issues that are indicated 11:00
22 in Exhibit 2?
23 A I don't think so. I provided everything
24 my attorney told me to provide. And that was the 11:00
25 account that my attorney told me is covered under the

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1 A. WIEDER
2 subpoena. So that's the e-mail that I provided. And I
3 believe at that time that was my only e-mail address. 11:00
4 I was on the county legislature. I have Gmail account.
5 So that's what I provided what the court asked me to
6 provide. 11:00
7 Q And just so the record is clear, you
8 searched the Yahoo.com account for responsive e-mails?
9 A I didn't search it. I told you before, 11:00
10 maybe I wasn't clear so maybe it's now the time to
11 clarify that I physically went through every e-mail. I
12 believe I even -- I don't remember -- I think I even 11:01
13 started from the beginning. I was going through every
14 e-mail. And I believe I forwarded almost every e-mail
15 that I went through. I didn't do any searches. I 11:01
16 don't know what you mean by searches. Do you mean by
17 searches that I just went through the e-mails? Or did
18 I -- keywords. You gotta explain to me what you mean 11:01
19 by searches.
20 Q I'm just asking if you went into the
21 e-mail account and looked for the documents responsive 11:01
22 to the subpoena?
23 A Yes.
24 MR. CRAVEN: Objection; asked and 11:01
25 answered.

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1 A. WIEDER
2 THE WITNESS: I already told you. I
3 think I told you that before. 11:01
4 BY MR. MANGAS:
5 Q To be clear you did not go into your
6 legislator account, your personal Gmail account, or 11:01
7 your NYSHA account to search for the documents
8 responsive to the subpoena, correct?
9 MR. CRAVENS: Objection; asked and 11:02
10 answered.
11 You can repeat your answer.
12 THE WITNESS: Well, you're going to have 11:02
13 to explain specifically. I did go into these
14 accounts. Then I spoke to my attorney and then
15 he told me what I needed to provide and that's 11:02
16 what I provided. So when you say I didn't
17 search, what do you mean by -- you said search,
18 you mean -- you're going to have to explain 11:02
19 what it means that I didn't search. I think I
20 did -- I mean, I looked into those accounts, I
21 spoke to the attorney and he told me what I 11:02
22 need to provide and that's where I went to
23 physically look. So I -- you're going to have
24 to explain to me what you mean by searching. 11:02
25 BY MR. MANGAS:

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1 A. WIEDER
2 Q Did you -- let me ask you a different
3 question. 11:02
4 Did you send or receive e-mails about
5 the East Ramapo public school district in any of the
6 three accounts, the legislative, the Gmail, or the 11:03
7 NYSHA account?
8 A Not that was covered by the subpoena as
9 explained to me by my attorney. 11:03
10 Q So let me ask you. I know you mentioned
11 the conversation with your attorney and I'm not asking
12 what your attorney told you or what you talked about, 11:03
13 but what was your understanding of the documents that
14 you were required to produce to the subpoena?
15 A Anything that has to do with East Ramapo 11:04
16 for --
17 Q Did you look for materials having to do
18 with East Ramapo in any hard copy files? 11:04
19 MR. CRAVENS: Objection; asked and
20 answered.
21 A If I looked -- I don't think so that I 11:04
22 looked because I don't think I -- I had documents that
23 I believe that is hard copy. I think all of it was the
24 e-mails. 11:04
25 Q And did you look on any computers or

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1 A. WIEDER
 2 mobile devices for documents responsive to the
 3 subpoena? 11:05
 4 MR. CRAVENS: Objection to the form.
 5 Do you mean other than searching using a
 6 computer to look at the e-mail? 11:05
 7 MR. MANGAS: Let me clarify. Thank you.
 8 BY MR. MANGAS:
 9 Q Other than the e-mail accounts that you 11:05
 10 reviewed, did you look anywhere else on the hard drive
 11 of computers or mobile devices for documents about the
 12 East Ramapo School District? 11:05
 13 A I don't have one that would cover East
 14 Ramapo and the computers was the e-mails.
 15 Q So to be clear, it's your testimony 11:06
 16 today you have not sent or received anything that have
 17 to do with the East Ramapo School District with your
 18 e-mail account? 11:06
 19 A I'm continuing the question to answer
 20 the question. He's clarifying an answer, so you have
 21 to repeat because I lost my train of thought. 11:06
 22 Q So I asked earlier for your
 23 understanding of what documents you were required to
 24 produce pursuant to the subpoena. Your answer was 11:07
 25 anything that has to do with East Ramapo?

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1 A. WIEDER
 2 (Whereupon Exhibit 3 was marked for
 3 identification on this day.) 11:08
 4 Q Mr. Wieder, I'm handing you a document
 5 marked Exhibit 3. I'll you have a moment to look at
 6 it. 11:08
 7 A You want me to read the entire --
 8 Q You don't need to read it in detail.
 9 I'm going to ask if you recognize it. 11:09
 10 A Oh, yeah.
 11 Q What is it?
 12 A It's a document that I signed, 11:09
 13 declarations.
 14 Q It's a declaration that you submitted in
 15 this case? 11:09
 16 A Yes.
 17 Q You made that declaration under the
 18 penalty of perjury? 11:09
 19 A Yes.
 20 Q You drafted this document?
 21 A You have to be specific by drafted. 11:09
 22 Q Did you write all the contents in this
 23 document?
 24 A No. 11:09
 25 Q Who did?

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1 A. WIEDER
 2 A That is covered, and I'm continuing,
 3 that is covered by the subpoena as the explanation by 11:07
 4 my attorney.
 5 Q Well, putting the explanation by your
 6 attorney aside, what did you understand to be covered 11:07
 7 by the subpoena?
 8 MR. CRAVENS: Objection; asked and
 9 answered. 11:07
 10 A That it has to do with the subpoena and
 11 the time period and the issue.
 12 Q What issue? 11:07
 13 A East Ramapo.
 14 Q So during --
 15 A I mean, the lawsuit that we're currently 11:07
 16 here for.
 17 Q So let me ask that again.
 18 During the time period covered by the 11:07
 19 subpoena, you did not send or receive any e-mails
 20 having to do with East Ramapo public school district
 21 from your legislative account, Gmail account, or NYSHA 11:08
 22 account?
 23 MR. CRAVENS: Objection; asked and
 24 answered. 11:08
 25 A I believe not, as far as I can recall.

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1 A. WIEDER
 2 A I had a conversation with my attorney.
 3 MR. CRAVENS: Again, I would caution you 11:09
 4 to describe the process by which you worked
 5 with counsel. Do not describe any of the
 6 specific communications that you had with 11:10
 7 counsel.
 8 THE WITNESS: So I had a long
 9 conversation or many conversations with my 11:10
 10 attorney. Based on those conversations, he
 11 had, I believe, typed it or someone in the
 12 office, and then he sent it to me, and I 11:10
 13 reviewed it and revised it. I believe we did
 14 it over the phone. And he sent me the final
 15 draft and I signed it. I think that -- that's 11:10
 16 what I think the process was for this
 17 particular -- this particular declaration.
 18 BY MR. MANGAS: 11:10
 19 Q And when you signed it these were your
 20 words that were in the declaration?
 21 A What do you mean by my words? 11:11
 22 Q These statements that you're making in
 23 the declaration.
 24 A Isn't that what -- I'm asking the 11:11
 25 question just to understand your question. Isn't that